

**ILLINOIS COMMERCE COMMISSION**

**DOCKET No. 16-\_\_\_\_\_**

**DIRECT TESTIMONY**

**OF**

**AMANDA SLOAN  
CONTRACT LAND STAFF, LLC**

**Submitted On Behalf**

**Of**

**AMEREN TRANSMISSION COMPANY OF ILLINOIS**

**June 27, 2016**

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AMANDA SLOAN

Submitted On Behalf Of

Ameren Transmission Company of Illinois

**I. INTRODUCTION**

**Q. Please state your name, business address and present position.**

A. My name is Amanda Sloan. My business address is 3200 Pleasant Run, Springfield, Illinois. I am a Project Director, Electric Transmission for Contract Land Staff, LLC (CLS).

**Q. Please summarize your educational background and professional experience.**

A. My educational background and professional experience is attached as an Appendix to this testimony.

**Q. What are your duties and responsibilities in your present position?**

A. I am the CLS Project Director, Electric Transmission, assigned as a Project Manager on Ameren Transmission Company of Illinois' (ATXI's or the Company's) Illinois Rivers Project (the Project). I am responsible for managing CLS acquisition agents, permitting agents, and administrative personnel working to secure necessary land rights for the Project. I also oversee CLS field personnel who operate out of our Project regional office in Springfield, Illinois. These field leads and acquisition agents are tasked with meeting and negotiating with property owners impacted by the Project.

22 **Q. What is the purpose of your testimony in support of this Petition?**

23 A. The purpose of my direct testimony is to describe the process by which CLS, on behalf of  
24 ATXI, negotiates with landowners to secure land rights for the Illinois Rivers Project. I also  
25 provide details regarding negotiations with the owners of properties for which ATXI is seeking  
26 eminent domain authority in this proceeding.

27 **Q. Are you sponsoring any exhibits in support of your testimony?**

28 A. I am sponsoring the following exhibits:

- 29 • ATXI Exhibit 2.1: Summary of Landowner Contacts
- 30 • ATXI Exhibit 2.2: Summary of Compensation Offers (Confidential – Contains  
31 Terms of Negotiations)
- 32 • ATXI Exhibit 2.3: Group Exhibit of Landowner-Specific Documentation
- 33 • ATXI Exhibit 2.4: Sample of Aerial Image Depicting Preliminary Structure  
34 Locations

35 **Q. What does ATXI Exhibit 2.3 contain?**

36 A. ATXI Exhibit 2.3 contains a packet of documentation related to each owner of an  
37 Unsigned Property. Each packet includes: (i) a summary of issues the landowner raised during  
38 negotiations and ATXI's efforts to address those issues, as of June 13, 2016, unless otherwise  
39 specified; (ii) a completed agent checklist; (iii) a map of the property; and (iv) a final plat of each  
40 property, including the legal description of the easement ATXI is seeking. For ease of use, a  
41 table of contents is provided for the entire exhibit.

**II. LAND RIGHTS ACQUISITION SERVICES PROVIDED BY CLS**

**Q. Please explain the nature of the services provided by CLS.**

A. CLS is a nationwide land consulting firm that provides services associated with the acquisition of easements for infrastructure. CLS was established in 1985 and specializes in electric and pipeline easement acquisitions along with project management and consulting and is headquartered in Sugar Land, Texas.

**Q. What is CLS's role in ATXI's efforts to acquire land rights for the Project?**

A. ATXI retained CLS as a contractor to assist the Company with acquiring the necessary land rights for the Project. CLS is responsible for project management for the acquisition of land rights, easements and permits. We provide experienced survey and land agents, who act as an intermediary between landowners and ATXI and negotiate on behalf of ATXI with property owners. CLS land agents have significant experience negotiating for the acquisition of property rights to be used in infrastructure projects.

ATXI and CLS have the mutual goal of treating each landowner along the Project equitably and fairly. In furtherance of that goal, CLS agents negotiate personally with each landowner, make efforts to understand and resolve their individual concerns, answer questions, and relay landowners' counteroffers, pole placement relocation requests, and easement language revisions to ATXI.

**Q. What is your role as Project Manager for the Illinois Rivers Project?**

A. I oversee the CLS acquisition program, including all land agents and their direct supervisors. I meet with the local Project managers regularly to discuss the status of negotiations on unsigned tracts. I review the land agents' records regarding contacts with landowners on a

regular basis. From time-to-time I also review landowners' proposed changes to easement language, with guidance from counsel and ATXI. I provide guidance to land agents and local Project managers to address landowner issues, and at times, participate in landowner negotiations. I meet or speak with ATXI representatives, including Mr. Trelz on an on-going, as-needed basis to report on acquisition status and discuss concerns. I also participate in weekly meetings with ATXI engineering personnel in order to discuss requests related to structure placement and route alignment.

**Q. What are the "land agents' records" you refer to?**

A. CLS requires that land agents document all contacts with landowners in a CLS proprietary database. This documentation of daily communications with owners, tenants and property representatives is done in the ordinary course of business.

**Q. Is there a policy that guides CLS in assigning land agents to landowners?**

A. Yes. In response to Commission and Staff concerns regarding the number of different agents contacting landowners, CLS in conjunction with ATXI developed and adopted a new Land Acquisition Agent Assignment Policy, which was effective June 23, 2014. This policy was presented to the Commission in Docket 14-0438. The goal of this new policy was to have a single agent be the point of contact for a single landowner throughout the easement negotiations. This policy was later revised and presented to the Commission in Docket 14-0551.

### **III. LANDOWNER CONTACT**

**Q. Please explain the process by which CLS, on behalf of ATXI, begins negotiations to acquire the necessary land rights across the affected properties.**

85 A. As explained by Mr. Trelz, fourteen days after ATXI mailed the letter and Statement of  
86 Information to landowners, CLS personnel contacted landowners to discuss the Project. CLS  
87 agents contacted landowners in person, if possible, and informed them of both the reason for  
88 contact and the purpose of the Project. CLS, at ATXI's direction, provided landowners with a  
89 written statement of the purpose of the Project, a small-scale map of the area, a sketch of the  
90 proposed location of the transmission line on their property, and information regarding the type  
91 and location of the proposed facilities. A sample landowner packet is attached to Mr. Trelz's  
92 direct testimony as ATXI Exhibit 1.2. CLS land agents presented each landowner with ATXI's  
93 offer of compensation and explained that the offer was based on a third-party independent  
94 appraiser's determination of the market value of the landowner's property. The agents provided  
95 each landowner with a worksheet describing the calculation of ATXI's offer. Additionally,  
96 when completed, an appraisal of each property was provided to each landowner. CLS agents  
97 made themselves available for discussion and negotiations with each landowner. ATXI Exhibit  
98 2.2 contains information on the most recent third-party independent market appraisals, offers  
99 made to landowners for the transmission easement compensation, and any counteroffers.

100 **Q. How many times has ATXI or CLS contacted the owners of the Unsigned**  
101 **Properties?**

102 A. ATXI or CLS contacted the owners of each Unsigned Property no less than 26 times.  
103 The number of contacts made with each owner of an Unsigned Property as of June 13, 2016 is  
104 detailed on ATXI Exhibit 2.1, and the substance of each contact is further described in ATXI  
105 Exhibit 2.3.

106 **Q. What happens after land agents initiate contact with landowners?**

A. Landowners often have questions or concerns about compensation, the placement of poles on their property, and the language of the easement document. CLS agents seek to address their questions or concerns. In some cases, landowners make a counteroffer to ATXI's offer. CLS agents forward the counteroffers and supporting information to ATXI and the appraisers for their review. CLS works with ATXI to respond promptly to all counteroffers made by landowners and to address any concerns unrelated to compensation. I discuss these items in more detail below.

#### **IV. EXPLANATION OF INITIAL OFFERS**

**Q. Do land agents explain the basis for ATXI's offers of compensation to landowners?**

A. Yes. CLS agents provided each landowner and/or their attorney or representative a calculation sheet stating the independent appraiser's determination of the total market value of the parcel, the acreage of the easement area, the percentage of market value at which the independent appraiser believed the easement should be valued, prepaid crop damages, general property damages for compaction, deep ripping, and restoration, and the resulting total compensation offer. Additionally, CLS agents informed landowners and/or their attorneys that the initial offer was based on a third-party, independent appraiser's determination of the market value of the property and provided a copy of the appraisal.

**Q. What efforts did the land agents make to inform landowners about the location of the transmission line on their property?**

A. If the landowner allowed a land agent to meet with them, the land agent provided the Preliminary Option Exhibit that shows the intended location of the easement, and often an aerial image of the preliminary location of each of the structures ATXI planned to construct within the



129 easement, if one was available at the time. A sample of this printout is included as ATXI Exhibit  
130 2.4. Many times agents met with the landowners on their property and walked the proposed  
131 easement area. Agents informed the landowners that these locations could change due to soil  
132 boring information, final ground survey, and final line design.

133 **Q. What reasons have the owners of the Unsigned Properties given for refusing ATXI's**  
134 **offers?**

135 A. Many of the landowners have taken the position that ATXI's offers of compensation are  
136 too low. In addition, some landowners have requested changes to the easement document or the  
137 location of structures on their property. These requests, and ATXI's responses, are discussed  
138 individually in ATXI Exhibit 2.3.

139 **Q. How did CLS address the landowners' concerns regarding the level of offered**  
140 **compensation?**

141 A. If the landowner believed the level of compensation offered was too low, the land agents  
142 encouraged the landowner to submit a formal counteroffer with supporting documentation, or  
143 otherwise explain the basis for their counteroffer. A landowner's opinion that an offer is too low  
144 absent supporting documentation makes it difficult to engage in constructive compensation  
145 negotiations.

146 **Q. In the event that a landowner makes a counteroffer, what process do CLS agents**  
147 **follow?**

148 A. CLS agents document the counteroffer into our proprietary database software and report  
149 the counteroffer to their supervisor. Additionally, land agents encourage landowners to obtain an  
150 appraisal of their property and inform landowners that ATXI will consider appraisals or

information regarding sales of comparable properties when assessing their counteroffer. CLS then provides any information we receive from the landowner to ATXI and the appraiser, who determines whether the information provided changes their opinion of the market value of the easement. The appraiser's determination, and any supporting information provided by the landowner, is shared with ATXI and a determination is made whether to accept, counter, or reject the counteroffer. The land agent communicates ATXI's determination to the landowner. Mr. Trelz further explains ATXI's response to counteroffers from landowners.

**V. EFFORTS TO ADDRESS CONCERNS NOT RELATED TO COMPENSATION**

**Q. Did the owners of the Unsigned Properties raise any concerns other than compensation?**

A. Yes. Some landowners expressed concerns regarding the location of poles within their parcel, and the language of the easement document.

**Q. How do land agents respond to these concerns?**

A. Land agents discuss landowners' concerns with them on an individual basis and offer possible solutions to alleviate the landowner's concerns. Possible solutions include addressing the concern in a Confidential Settlement Agreement (CSA), submitting a pole relocation request, or informing the landowners of approximate pole locations. This is a progression of problem-solving and is specific to the individual landowner and his or her specific concern.

**Q. How do land agents respond to landowners' concerns regarding the language of the easement?**

A. Many concerns are simply addressed by discussing the standard easement agreement in greater detail; however, ATXI has considered each language request and has been willing to

173 incorporate changes when the requested changes do not compromise the easement rights ATXI is  
174 seeking. ATXI is also willing to negotiate a CSA to address certain matters in the easement or  
175 that are not covered by the easement documents. A landowner does not have to propose specific  
176 language revisions.

177 **Q. How do land agents respond to landowners' concerns regarding the location of**  
178 **structures?**

179 A. First, the land agent reviews the request to determine whether neighboring parcels will be  
180 affected by the requested change. If neighboring parcels are affected, the agent and the  
181 landowner work to obtain the neighboring landowners' approval of the adjustment. If all  
182 neighboring parcels agree to the adjustment, the agent prepares a relocation request for  
183 submission to ATXI. As explained by Mr. Trelz, ATXI evaluates whether the pole relocation  
184 request can be accommodated.

185 **VI. EFFORTS TO NEGOTIATE WITH LANDOWNER GROUPS**

186 **Q. Have any landowners in this proceeding conducted negotiations with ATXI as a**  
187 **group?**

188 A. Yes. Mr. Edward McNamara from the law firm of McNamara & Evans represents five  
189 parcels at issue in this proceeding. ATXI received a letters of representation from Mr.  
190 McNamara on November 19, 2014 for the Pamela A. Smith Trust, Patricia Brotherton, Roger  
191 Rooney and Deidre French. Details regarding each landowner's negotiations are included in  
192 Exhibit 2.3 (Parts B, C, E and F). I have reviewed the documentation that the land agents  
193 prepare and maintain in accordance with CLS requirements, and have discussed the McNamara  
194 group negotiations with the agent on numerous occasions.

195 **Q. Can you describe how the group negotiations began with Mr. McNamara?**

196 A. After receiving the letters of representation, the land agent met with Mr. McNamara on  
197 December 10, 2014. At that meeting, Mr. McNamara stated that he would be negotiating for the  
198 landowners as a group.

199 **Q. Can you generally explain how group negotiations have progressed with Mr.**  
200 **McNamara?**

201 A. Negotiations for this group of landowners have not progressed until very recently, even  
202 though ATXI has made extensive efforts to identify and resolve this groups' issues. For this  
203 particular landowner group, ATXI has attempted to address each issue Mr. McNamara has  
204 identified, but Mr. McNamara indicated that he may have additional easement or CSA language  
205 requests and counteroffers. Even though the agent has requested this additional easement  
206 language and/or counteroffers throughout negotiations and over 10 times in the last three months,  
207 Mr. McNamara only just recently provided four unsubstantiated counteroffers, and ATXI is  
208 unsure if language remains an issue.

209 **Q. Can you explain the issues that ATXI has addressed for this landowner group?**

210 A. ATXI Exhibit 2.3 Parts B, C, E and F, contain individual details for each landowner  
211 describing ATXI's negotiation efforts. But in general terms, ATXI has (i) agreed to pole  
212 relocations; (ii) agreed to language in a confidential settlement agreement, (iii) staked easement  
213 locations, (iv) provided all requested documentation, and (iv) increased its compensation offers.

214 **Q. What are the remaining issues for this landowner group?**

215 A. ATXI does not know if specific easement language issues remain. On October 20, 2015,  
216 in response to the land agent's request for language changes, Mr. McNamara stated that he knew

he wanted certain clauses included in a CSA, after which other changes could be addressed individually. Two days later, the agent provided Mr. McNamara the easement and CSA with these clauses and requested any landowner specific requests. In November of 2015, Mr. McNamara indicated that he would use the same CSA for the rest of his tracts. However, in December of 2015, Mr. McNamara stated that he would address CSA language issues on a case by case basis using examples from previously negotiated CSAs. On multiple occasions, Mr. McNamara has stated that he is working on the CSA language requests, including in February of 2016, when Mr. McNamara stated that he was working on language requests for this landowner group and “would hopefully have something [ . . . ] soon.” In March of 2016, Mr. McNamara stated that he would speak to the group “soon” and “get counters and language requests.” In response, the land agent has repeatedly requested the specific CSA language issues and counteroffers for this group. To date, ATXI has not received these additional language requests. On June 22, 2016, Mr. McNamara stated that his standard CSA appears to be fine across the board, unless some unusual circumstances arise before compensation is agreed to. On June 15, 2016, Mr. McNamara presented three counteroffers without any supportive documentation, and an additional unsupported counteroffer on June 16<sup>th</sup>. In an effort to reach settlement, ATXI has increased its offers, although not to the level of the counteroffers. The parties again exchanged offers on June 23<sup>rd</sup>, but as of June 24<sup>th</sup>, compensation remains an outstanding issue. Additionally, Mr. McNamara may have additional language requests. Therefore as of June 24, 2016, both compensation and language remain open issues.

**Q. What is the current status of negotiations with the landowner group?**

A. Although Mr. McNamara was hired over a year and one-half ago, negotiations with his clients have only recently progressed. While Mr. McNamara has indicated that easement

language and compensation may be open issues for this landowner group, he did not provide any counteroffers until June 15, 2016, and still has not provided any documentation supportive of a higher offer (other than for crop damages) or confirmed that the language issues have been addressed. While the land agent will continue to contact Mr. McNamara in an effort to address any outstanding concerns, Mr. McNamara's delay in providing counteroffers and language edits has significantly extended negotiations. After over 18 months of negotiation with Mr. McNamara, the parties have not reached a voluntary agreement. This pattern of delay indicates that the parties may not reach a voluntary agreement in a timely manner.

**VII. NEED FOR EMINENT DOMAIN**

**Q. Based on your knowledge of the negotiations for the Unsigned Properties, do you believe that continued negotiation is likely to produce a negotiated resolution for any of the Unsigned Properties?**

A. No.

**VIII. CONCLUSION**

**Q. Does this conclude your direct testimony?**

A. Yes, it does.

**APPENDIX**

**STATEMENT OF QUALIFICATIONS**  
**AMANDA SLOAN**

I have been employed in the right of way industry providing contract service to companies similar to ATXI for nine years and currently am employed by Contract Land Staff as a Project Director, with direct project management and supervision of ATXI's Illinois Rivers Project. I have worked as the Project Manager on the Project since September 2013. Immediately prior to this assignment I was the Project Manager for a 230kV transmission line project on the East Coast. In my career I have performed work as an Abstractor, Survey Support Agent, Land Agent, Senior Land Agent, as well as a Project Supervisor. I earned my bachelor's degree in International Business and Economics from the State University of New York (SUNY) College at Brockport in Brockport, New York in December 2000.